

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH DIONE WARD,

Plaintiff

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

Case No.: 2:22-cv-02001-APG-DJA

**Order Accepting Report and
Recommendation and Remanding to the
Administrative Law Judge**

[ECF Nos. 20, 22, 24]

On February 8, 2024, Magistrate Judge Albregts recommended that I grant in part plaintiff Kenneth Ward's motion for remand (ECF No. 20) on the ground that the Administrative Law Judge (ALJ) did not adequately address supportability and consistency when evaluating Drs. Ramsey, Ribeiro, and Kaur's opinions. Judge Albregts also recommended that I grant in part the Commissioner of Social Security's counter-motion (ECF No. 22) and affirm regarding the Commissioner's argument that the ALJ provided clear and convincing reasons for rejecting Ward's symptom testimony. Finally, Judge Albregts recommended that I remand for the ALJ to consider the supportability and consistency factors in analyzing Drs. Ramsey, Ribeiro, and Kaur's opinions. Neither side objected. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Albregts' report and recommendation (ECF No. 24) is accepted.

1 I FURTHER ORDER that plaintiff Kenneth Ward's motion to remand (ECF No. 20) is
2 GRANTED in part and DENIED in part.

3 I FURTHER ORDER that defendant Commissioner of Social Security's motion to affirm
4 (ECF No. 22) is GRANTED in part and DENIED in part.

5 I FURTHER ORDER that this matter is remanded to the Administrative Law Judge to
6 consider the supportability and consistency factors in analyzing Drs. Ramsey, Ribeiro, and
7 Kaur's opinions. The clerk of court is instructed to close this case.

8 DATED this 23rd day of February, 2024.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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